

Remarks

Claims 1, 3-6, and 9 are pending in this application. Claims 1, 3-6, and 9 now stand rejected. Claims 2 and 7-8 have been cancelled. Claims 1, 4, and 6 have been amended.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 3-6, and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Clements (US 6,024,265) in view of Thompson (US 6,325,262). Claims 1 and 6 have been amended to recite that the body portion is cylindrical and extends along a central axis. Also, the cover fastener and compressions straps are operable to compress the body portion along the central axis. This language has been added to the specification and is supported by Figs. 3-5, which all show the cover fastener and compression straps aligned parallel to the central axis (which is inherent in a cylinder) to cause axial compression. Accordingly, there is no new matter.

Clements teaches a rucksack that keeps the material inside pressed against the back of the rucksack while being worn. Compression straps 25 therefore cooperate with buckles 26 to provide a diagonal compression force to move the rod/hoop 20 to a more upright position in order to compress material against the wearer's back. (Clements, Col. 4, lines 1-4 and 29-34 and Fig. 6). The compression straps are therefore not compressing the body portion along its central axis, as now required by claim 1. Clements' teaching of the rod 20 as a frame member and possible inclusion of metal staves 42 show that the rucksack is not compressed along the central axis, as both resist compression in that direction (as seen in Fig. 6, even when the straps are tightened the total rucksack height remains the same).

Furthermore, there is no cover fastener operable to compress the body portion along its central axis. The strap 28 does not attach to the cover 6, but to the back of the pack 3 (Clements, Col. 4, lines 9-12), to facilitate the pivoting of rod 20 to a more upright position

(Clements, Col. 4, lines 29-38). Even if strap 28 were to provide an axial compressive force, the lack of vertical compression straps on the opposite side would cause the rucksack to buckle inward rather than compress vertically.

Accordingly, Applicant respectfully submits that claims 1, 3-6, and 9 are patentable over Clements in view of Thompson and request the withdrawal of the rejection under 35 U.S.C. 103(a) to said claims.

Conclusion

Applicant has made a genuine effort to respond to each of the Examiner's objections and rejections in advancing the prosecution of this case. Applicant believes that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is invited to contact the undersigned at his earliest convenience.

The Petition fee of \$65.00 is being charged to Deposit Account No. 02-3978 via electronic authorization submitted concurrently herewith. The Commissioner is hereby authorized to charge any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978.

Respectfully submitted,

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